IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL(Stamp)NO.29305 OF 2002
IN
FIRST APPEAL NO.308 OF 2002
AND
CIVIL APPLICATION NO.294 OF 2002

Shri Beerpratap H.Mishra & Ors. ..Appellants

V/s.

Union of India & ors. ..Respondents

Mr.Siddharth Karpe i/by Varsha Palav for the appellants.

Mr.Suresh Kumar for Respondent No.1.

Mr.R.M.Patne AGP for Respondent Nos.2 & 3.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 12.4.2005.

PC

. The appellants have preferred this Letters Patent Appeal on 2.8.2002 dis-satisfied with the order dated 15.3.2002 passed in First Appeal No.308 of 2002 arising out of Special Civil Suit No.676 of 1996.

2. Section 100-A of the Code of Civil Procedure read thus :-

No further appeal in certain cases-

> Notwithstanding anything contained in any Letters Patent for any High Court or in any instrument having the force of law or in any other law for the time being in force, where any appeal from an original or appellate decree or order is heard and decided by a single Judge of a High Court, no further appeal shall lie from the judgment and decree of such single Judge.

3. Letters Patent Appeal preferred by the appellants, therefore, is not legally maintainable. When the Letters Patent Appeal itself is not maintainable, the application for condonation of delay loses its significance.

4. We, accordingly, dismiss the Letters Patent Appeal and the Civil application 294/2002.

(R.M.LODHA,J)

(R.S.MOHITE,J)

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. By a separate order passed by us today we have dismissed Letters Patent Appeal as not maintainable. As a result of that, the present Civil application does not deserve any further consideration by the Court.

2. Civil application is accordingly, rejected. The order dated 8.8.2002 stands discharged.

(R.M.LODHA,J)

(R.S.MOHITE,J)